

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHYLLIS ANDERSON, *et. al.*,  
Plaintiffs,

v.

THE BAKERY AND CONFECTIONERY UNION  
AND INDUSTRY INTERNATIONAL PENSION  
FUND, *et. al.*,  
Defendants.

:  
:  
: CIVIL ACTION  
:  
: NO. 07-1165  
:  
:  
:  
:  
:

**Order**

**AND NOW** on this 3<sup>rd</sup> day of September 2009, upon consideration of defendants Bakery and Confectionery Union and Industry International Pension Fund and Board of Trustees of the Bakery and Confectionery Union and Industry International Pension Fund's motion to dismiss plaintiffs' amended complaint pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. No. 29) and plaintiffs' response, **IT IS HEREBY ORDERED** that:

(1) Defendants' motion to dismiss is **GRANTED** as to plaintiffs' claims for pension benefits sought for periods of layoff before 1976.

(2) Defendants' motion to dismiss is **DENIED** as to plaintiffs' claims for pension benefits sought for periods of layoff in and after 1976.

(3) The parties shall submit their joint proposal for a scheduling order or, if they cannot agree, their individual proposals by mail, within fourteen days of the date hereof.

\_\_\_\_\_  
s/William H. Yohn Jr.  
William H. Yohn Jr., Judge